

No. 9/2/87-6Lab./1707.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of Haryana Urban Development Authority, Chandigarh.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 163 of 86

between

SHRI KRISHAN SINGH KATARIA, WORKMAN AND THE MANAGEMENT OF HARYANA
URBAN DEVELOPMENT AUTHORITY, CHANDIGARH

Shri T.C. Gupta, A.R. for the workman.

Shri R.D.S. Grewal, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Krishan Singh Kataria and the management of Haryana Urban Development Authority, Chandigarh, to this Court, for adjudication,—*vide* Haryana Government Gazette Notification No. 36081—86, dated 29th September, 1986:—

Whether the termination of services of Shri Krishan Singh Kataria is justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was appointed as a Horticulture Supervisor on 18th July, 1983 by the respondent and worked as such upto 22nd July, 1985 and that all of a sudden his services were terminated on the said date without complying with the mandatory provisions of section 25 F of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act), though his service record was blemishless. So, he has prayed for reinstatement with continuity of service and full back wages.

3. In the reply filed by the respondent, preliminary objections taken are that this Court has no territorial jurisdiction to try the present reference since the petitioner was posted at Bhiwani and further more this Court has no jurisdiction to try the present reference as the respondent is not an "industry" as defined in section 2(j) of the said Act. Another objection taken is that since the petitioner is not a "workman" as defined in section 2(s) of the said Act, the present reference is bad also for mis-joinder and non-joinder of necessary parties and the claim is barred by limitations. On merits, it is admitted that the petitioner was appointed as Horticulture Supervisor but it is asserted that his appointment was temporary for a period of 89 days. It is also admitted that the petitioner worked upto 8th July, 1985, from which date, his services could be terminated lawfully without assigning any reason or compliance with the provisions of section 25 F of the said Act.

4. On the pleadings of the parties, the following issues were settled for decision by me on 18th December, 1986:—

- (1) Whether this Court has no territorial jurisdiction to try the present reference?
- (2) Whether the respondent is not an industry as defined in section 2(j) of the I.D. Act, 1947? OPR
- (3) Whether the claim is time barred? OPR.
- (4) Whether the reference is bad for non-joinder of necessary parties?
- (5) As per terms of reference.

5. The petitioner in support of his case appeared as WW-1 and the respondent examined MW-1 Shri Surinder Singh, Junior Engineer.

6. Learned Authorised Representatives of the parties heard. My findings on the issues framed are as below:—

Issue No. 1

7. Since the District Bhiwani falls within the territorial jurisdiction of this Court, so, this plea was not pressed on behalf of the respondent.

Issue No. 2 :

8. The scope and ambit of the term "industry" as defined in section 2(j) of the said Act has been analysed and discussed in detail by the Hon'ble Supreme Court of India in the often quoted authority reported in 1978 Lab. I.C. 467 between **Banglore Water Supply and Sewerage Board versus A. Rajappa and others**. There is no gain saying the fact that the respondent carves out plots both residential and commercial after acquisition of land and these are put on auction for public sale and a few plots are allotted to certain section of the Society, so, there is systematic activity which is carried on by the respondent. So, in view of the scope of the term "industry" as given in the authority referred to above, there is no escape from the conclusion that the respondent is an "industry" as defined in section 2(j) of the said Act.

Issue No. 3 :

9. Services of the petitioner were terminated in the month of July 1985. He raised the demand notice in the month of November, 1985. So, the claim of the petitioner cannot be said to be barred by limitations, though, no limitation is prescribed for raising the demand notice.

Issue No. 4 :

10. This issue was not pressed on behalf of the respondent, so, the same is answered against it.

Issue No. 5 :

11. It is admitted case of the respondent that the petitioner was appointed on 18th July, 1983. The applicant alleged that he worked upto 22nd July, 1985 whereas the respondent asserted that he worked upto only 8th July, 1985. So, in any case, the petitioner has worked for more than 240 days proceeding last 12 calendar months from the date of termination. The plea put forth on behalf of the respondent that the petitioner's service could be terminated at any time without assigning any reason is not tenable, because the same comes in direct clash with the provisions of section 25F of the said Act. The respondent also placed on record appointment letter of the petitioner and further extensions were granted to him in dribblets. Simply because the respondent choose to extend the term of the petitioner at one time for a period of three months only will not go to show the continuity in service was broken. It has been so held in 1982 II LLJ, 72 **Santosh Gupta versus State Bank of Patiala**. Admittedly no prior notice or retrenchment compensation was paid to the petitioner but his service tenure was not extended beyond 8th July, 1985. So, there was cessation of work which is equivalent to retrenchment, which cannot be brought about without complying with the mandatory provisions of section 25F of the said Act. Petitioner's termination was illegal and unlawful. Since he raised the demand notice within four months of his termination, he cannot be denied the benefits of back wages. So, the petitioner is ordered to be reinstated with continuity of service and full back wages. The reference is answered and returned accordingly with no order as to cost.

Dated the 18th February, 1987.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak
Camp Court, Hissar.

Endorsement No. 163-86/422, dated 5th March, 1987

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Hissar.

No. 9/2/87-6Lab./1708.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. The Hissar District Central Cooperative Bank Ltd., Hissar.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 18 of 83

between

SHRI RAM KUMAR, WORKMAN AND THE MANAGEMENT OF M/S THE HISSAR DISTRICT CENTRAL COOPERATIVE BANK LTD., HISSAR

Shri J. C. Anand, A.R. for the workman.
Shri B. D. Mehta, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of the section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Ram Kumar and the management of M/s. The Hissar District Central Cooperative Bank Ltd., Hissar, to this Court, for adjudication,—vide Haryana Government Gazette Notification No. ID/12724—28, dated 17th March, 1983 :—

Whether the termination of service of Shri Ram Kumar was justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. In a nutshell, the claim of the petitioner is that he was appointed as a Manager of Village Co-operative Credit and Services Society,— vide order dated 29th November, 1976 by the Managing Director of the respondent Bank and that the respondent/Bank choose to terminate his services unlawfully on 31st March, 1979 without assigning any reason, which order was passed in flagrant disregard of the mandatory provisions of section 25F of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act), because on the date his services were terminated the petitioner had completed more than 240 days of actual work with the respondent.

3. In the reply filed by the respondent, preliminary objections taken are that the provisions of the Industrial Disputes Act, 1947 are not applicable to the respondent and that this Court has no jurisdiction to try the present reference which is hopelessly time barred and that no cause of action has accrued in favour of the petitioner and that the petitioner remained gainfully employed after his termination. On merits, it is alleged that the petitioner's appointment was purely on temporary basis, which could be terminated at any time without assigning any reason and as such, the petitioner is not entitled to invoke the provisions of section 25B of the said Act.

4. On the pleadings of the parties, the following issue was settled for decision by me on 28th May, 1985 :—

1. As per terms of reference.

5. Thereafter in furtherance of the amended reply filed by the respondent, the following additional issue number I was framed on 26th November, 1986 :—

Whether the petitioner remained gainfully employed after his alleged termination? OPR.

6. In support of his case, the petitioner appeared as WW-1 and the respondent examined Shri Surjeet Singh, its Managing Director as MW-1.

7. Heard.

Issue No. 1 :

8. Petitioner's appointment and termination on the dates mentioned above is not denied by the respondent. A new dimension to the controversy was added when Shri Surjeet Singh, Managing Director of the respondent/Bank alleged that petitioner's service record was not satisfactory. No such plea was taken by the respondent in the reply. So, that would mean that the order of termination was punitive in nature, though on the face of it, the same was innocuously worded. The petitioner had completed more than 240 days of actual work with the respondent on the date his services were terminated during the last 12 calendar months. So, that would mean that his termination could not have been brought about without complying with mandatory provisions of section 25F of the said Act. No compliance was made. Under these circumstances, there is no difficulty in holding that the petitioner's termination was illegal and unlawful and as such, the order of termination is set aside.

Additional Issue No. 1 :

9. The learned Authorised Representative of the respondent contended that since the petitioner has been engaged himself in odds and errands on wages of Rs. 4, 5, 6, per day and further more he has got more than three Killa of agriculture land under his cultivation, it be held that the petitioner remained gainfully employed after his termination. This Court is unable to buy this argument. A worker thrown out of employment through an illegal order is not supposed to starve himself and his family to death. If he engages himself in some odds job, to eke out his existence, it cannot be held that he has remained gainfully employed or that this Court should order for curtailment in the back wages.

10. In the light of my foregoing discussion, the petitioner is ordered to be reinstated with continuity of service.

11. There is no denying the fact that no limitations are prescribed in raising the demand notice. In the present case, demand notice has been raised by the petitioner after more than three years of his termination. Termination order is dated 31st March, 1979 and for the first time demand notice was raised by the petitioner

on 19th August, 1982, i.e. after a lapse of three years and more than four months. There is no satisfactory explanation by the petitioner as to why he could not raise the demand notice earlier. Since under the Industrial Disputes Act, 1947 back wages are paid for no work done, it is the duty of the aggrieved workman to be vigilant and clamour for his cause at the earliest. Delay for more than three years has been frowned upon by the Courts in raising the demand notice. So, back wages from 1st April, 1979 to 19th August, 1982 are curtailed to 50%.

12. Now the net result is that the petitioner is order to be reinstated with continuity of service but 50% back wages from 1st April, 1979 to 19th August, 1982 and full back wages from 20th August, 1982 till the date reinstatement. The reference is answered and returned accordingly with no order as to cost.

Dated : 19th February, 1987.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst No. 18-83/423, dated the 5th March, 1987.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

The 24th March, 1987

No. 9/2/87-6 Lab./1710.—In pursuance of the provision of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Cepham Laboratories, Private Ltd., Kundli (Sonapat).

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 23 of 1984.

between

SHRI PURAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S CEPHAM LABORATORIES
PRIVATE LTD., KUNDLI (SONEPAT)

Shri S.N. Solanki, A.R. for the workman.

Shri S. Kaushal, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (hereinafter referred to as the Act), the Governor of Haryana referred the following dispute between the workman Shri Puran Singh and the management of M/s. Cepham Laboratories Private Ltd., Kundli (Sonapat), to this Court, for adjudication,—vide *Haryana Government Gazette*, Notification No. 8382-87, dated 28th February, 1984:—

Whether the termination of services of Shri Puran Singh is justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. Both the parties appeared, while deciding the issue regarding domestic enquiry, which was answered in favour of the management,—vide my order, dated 25th September, 1986, case of the petitioner and the defence taken by the respondent have been detailed, so, I need not detail the same again here because my order, dated 25th September, 1986, shall form a part of this award as Annexure "A". After the issue regarding domestic enquiry has been answered in favour of the management, parties were afforded full opportunity to adduce their evidence on the remaining issues. The petitioner availed of his opportunity and examined WW-2 Shri Kurwan Ansari. The management did not choose to adduce any evidence. So my findings on the remaining issues are as under:—

Issue No. 1:

3. The plea of the respondent under this issue is that since the case of the petitioner has not, been espoused by a substantial number of workmen, this dispute is not referable to the Labour Court under section

2K of the said Act. This contention is misconceived. Now, individual disputes are referable to the Labour Court under section 2A of the said Act. So, this plea was not rightly pressed on behalf of the respondent.

Issue No. 2:

4. This issue was answered in favour of the management,—*vide* separate detailed order, dated 25th September, 1986, which shall form a part of this award and has been marked as Annexure "A".

Issue No. 3:

5. Taking a clue from the statement of MW-2 the learned Authorised Representative of the petitioner contended that the services of the petitioner were sacked by the respondent just to break the union of workers which had been constituted in the respondent factory and that the respondent had barred the entry of the petitioner to the factory premises through the agency of the police. This witness has not been able to place on record any document in support of his claim that he remained employed in the respondent factory from the year 1982 to 1984 as a Tailor. Even if, this witness was employed with the respondent as alleged by him, from his statement no inference can be drawn that the petitioner was victimised by the respondent because of his union activities. The workers have got a legitimate right to constitute a union of workers for safeguarding the interest of the work force but this cannot be turned into a licence to indulge in acts of rowdiness, hooliganism, which the petitioner did in the present case. The charges against the petitioner were that (i) concerned refusal in combination with others to do work of 3rd and 4th batch of Ampicillin, (ii) Threatening and intimidating workers to resort to illegal, wilful and deliberate slow down of production, (iii) wilful insubordination and disobedience to lawful and reasonable orders of superior, (iv) committing acts subversive of discipline. In my opinion, these proved misconducts of the petitioner were too serious and it cannot be argued on behalf of the petitioner that the penalty of dismissal imposed upon the petitioner was in any way glaringly disproportionate in relation to his proved mis-conduct. In this era of acute economic hardship, erratic supply of electricity, serious unrest on the industrial front, such acts of in-discipline, contumacious behaviour, resulting in slump in production cannot be countenanced and the workers cannot be allowed to raise the bogey of victimisation for union activities. Provision of section 11-A of the said Act can be pressed into service on behalf of the aggrieved workman in cases where the court finds that the punishment awarded to the aggrieved employees is glaringly disproportionate in relation to his alleged misconduct. In the present case, no such findings can be recorded. From the misconduct committed by the petitioner not only production of life saving injection was halved but the same led to indiscipline in general in the labour force. So, no interference by this Court under Section 11-A is called for. The punishment of dismissal awarded to the petitioner was completely in consonance with his proved mis-conduct. So, the petitioner is not entitled to any relief. The reference is answered and returned accordingly with no order as to cost.

Dated, the 6th February, 1987.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Hissar.

Endst. No. 23-84/425, dated 5th March, 1987.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Hissar.

ANNEXURE "A"

Shri S.N. Solanki, A.R. for the workman.

Shri S. Kaushal, A.R. for the management.

1. The case of the petitioner is that he was employed with the respondent as a Helper since 15th May, 1981 on monthly wages of Rs. 405 and that he was placed under suspension on the basis of trumped up charges on 11th January, 1983 (mentioned as 6th January, 1983 in the demand notice. Since he was a union activist and was dismissed from service on 15th March, 1983 after going through a farce of an enquiry, in which, he was not given full opportunity of participation. Furthermore, there was restraint upon him from entering the factory premises by the Civil Court.

2. In the reply filed by the respondent, preliminary objections taken are that the reference is bad in law, as substantial number of workmen have not espoused the cause of the petitioner and furthermore that the reference made by the Government is bad in law. In the alternative, it has been pleaded that in case, the Court comes to the conclusion that the enquiry conducted in this case was not fair and proper, the respondent be afforded opportunity to adduce evidence on merits regarding the charges of misconduct against the petitioner. On merits, it is admitted that the petitioner was placed under suspension on 6th January, 1983 for persistent refusal in combination of other to do work for 3rd and 4th batch of Ampicillin and for threatening and instigation other workers to resort to illegal, wilful and deliberate slow down of production. The third charges against him was regarding wilful in subordination, contumacious behaviour towards his seniors and committed acts subversive of discipline. It is denied that the enquiry was not fair and proper or in conducting the same principles of natural justice were flouted by the Enquiry Officer.

3. On the pleadings of the parties, the following issues were settled for decision by me on 11th October, 1984:—

(1) Whether the reference is bad in law ? OPR

(2) Whether a valid and proper domestic enquiry was held by the management before terminating the services of the workman ? OPR

(3) As per terms of reference.

4. Subsequently on the request of the Authorised Representatives of the parties issue No. 2 regarding domestic enquiry was ordered to be tried as preliminary issue and to prove the same the management examined S.K. Gulati, Manager (Personnel and Administration), MW-2 Shri Gulshan Kumar, General Manager and the petitioner himself appeared as WW-1.

5. The learned Authorised Representatives of the parties heard.

6. The main grievance of Shri S. N. Solanki, learned Authorised Representative of the petitioner that the Enquiry Officer was not justified in proceeding *ex parte* against the petitioner, specially when there was a restraint upon the petitioner from entering the factory premises in view of the said order issued by the Civil Court. The petitioner admitted that notice regarding enquiry proceedings was received by him. Copy of the registered A.D. is Ex. M-6. Now, the question would be as to whether there was any restraint upon the petitioner from entering the factory premises for the legitimate cause of participation in the enquiry proceedings. There was none. The said order issued by the Court, which incidentally was served upon the petitioner after two months of his suspension, restrained the petitioner and others from disturbing the production process or causing damage to the goods, machineries and building. Even if, for the sake of argument it be admitted that injunction of the Court was the cause for the petitioner in not participating in the enquiry proceedings, even then, the petitioner could make a grievance of the same to the Enquiry Officer or to the management and not stay away from the enquiry proceedings. When the petitioner in spite of service of notice did not appear on 18th February, 1983 before the Enquiry Officer, he restrained his hands from proceedings *ex parte* but choose to defer the proceedings for 5th March, 1983. A fresh notice was issued. The petitioner refused to accept the same and only thereafter the Enquiry Officer choose to proceed *ex parte* against the petitioner and in my opinion, he was fully justified in doing so, though, he was well within his rights to proceed *ex parte* against the petitioner on 18th February, 1983, for which date, the petitioner had received a notice but did not appear. Under these circumstances, in my opinion, no procedural irregularity was committed by the Enquiry Officer in conducting the enquiry Proceedings and that he conducted the same within four corners of the principles of natural justice. Under these circumstances, there is no difficulty in holding that the enquiry conducted in this case is fair and proper and as such, this issue is answered in favour of the management.

Dated, the 25th September, 1986.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Hisar.

No. 9/2/87-Lab/1711.—In pursuance of the provision of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. IV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Cepham Laboratories (P) Ltd., Kundli, Sonapat:—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK
Reference No. 25 of 84

SHRI WAKIL MANDAL, WORKMAN AND THE MANAGEMENT OF M/S. CEPHAM
LABORATORIES (P) LTD., KUNDLI, SONEPAT

Shri S.N. Solanki, A.R. for the workman.
Shri S. Kaushal, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Wakil Manda and the management of M/s. Cepham Laboratories (P) Ltd., Kundli, Sonapat, to this Court, for adjudication, —vide Haryana Government Gazette Notification No. 8495—8500, dated 28th February, 1984 :—

Whether the termination of services of Shri Wakil Mandal is justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notice were issued to the parties. Both the parties appeared. While deciding the issue regarding domestic enquiry, which was answered in favour of the management, —vide my order dated 25th September, 1986, case of the petitioner and the defence taken by the respondent have been detailed, so, I need not detail the same again here because my order, dated 25th September, 1986 shall form a part of this award as Annexure "A". After the issue regarding domestic enquiry has been answered in favour of the management parties were afforded full opportunity to adduce their evidence on the remaining issues. The petitioner availed of his opportunity and examined WW-2 Shri Kurwan Ansari. The management did not choose to adduce any evidence. So, my findings on the remaining issue are as under :—

Issue No. 1 :

3. The plea of the respondent under this issue is that since the case of the petitioner has not been expounded by a substantial number of workmen, this dispute is not referable to the Labour Court, under section 2 (k) of the Industrial Disputes Act, 1947. This contention is misconceived. Now, individual disputes are referable to the Labour Court under section 2-A of the Industrial Disputes Act, 1947. So, this plea was not rightly pressed on behalf of the respondent.

Issue No. 2 :

4. This issue was answered in favour of the management, —vide my separate detailed order, dated 25th September, 1986, which shall form a part of this award and has been marked as Annexure "A".

Issue No. 3 :

5. I have gone through the charge-sheet, dated 21st January, 1983 given to the petitioner, though the petitioner without any cogent reasons boy-cotted the enquiry proceedings. The enquiry report in this case has been held to be fair and proper. The charges against the petitioner are very serious in nature. On 10th January, 1983 when the petitioner was on duty in shift B, he was instructed by S.S.P. Gupta, Production Officer to work on Centrifuging of Ampicillin Trihydrate but the petitioner instead of working on the said job as asked by superior officer, the petitioner alongwith the Kapil Dev and other workmen climbed the stairs of the plant for the reasons best known to him and went towards the reactor where silylation process was going on and made false representation to Shri K.M. Aggarwal, Chemist, that he has been called down the platform by the Production Officer. Since a critical manufacturing process was going on, Shri Aggarwal refused to go down the platform at which the petitioner brandished an iron rod threatening Shri Aggarwal with his life in case, he will not leave the platform. Similar treatment was meted out to Shri S.S.P. Gupta, Production officer, who climbed the platform as a critical manufacturing process was going on. Similarly on 9th, 10th, 18th, 23rd, 24th, 25th and 28th December, 1982 the petitioner while on duty was ordered by the Shift Incharge to do work of charging 3rd and 4th batch of Ampicillin but the petitioner refused to do the work in connivance with the other workers. Similarly on 18th December, 1982 the Production Officer and Plant Manager instructed the petitioner to perform the duty of a Helper on Ampicillin plant but the petitioner deliberately refused to do so and whiled away his time roaming in other departments of the factory.

6. I have given a brief resume of the allegations of misconduct against the petitioner. A very perusal of the same will show that not only the petitioner is a reluctant worker but he has scant regard for the orders of his superiors, so much so, that he did not shirk from hurling out threats to his immediate superiors, who were busy in the production process, which was at a critical stage. The conduct of the petitioner in hurling threats at his superiors was a serious misconduct, which cannot be viewed lightly. Furthermore, the petitioner slowed down the production of life saving Ampicillin injection by his deliberate refusal to do work, which he was asked to do. He deliberately boy-cotted the enquiry proceedings also on the flimsy grounds that full access was not afforded to him to the venue of the enquiry proceedings. Under the present circumstances, when the entire economy of the country is passing through a very critical phase and the industrialists in Haryana are facing serious problems on the power front, any act of a workman which may lead to the slowing down of a production process has to be viewed very seriously and this court will be using its discretion under section 11-A of the Industrial Disputes Act, 1947. In a most whimsical and arbitrary manner, in case, it in any way whittles down the penalty of dismissal imposed. That would amount to putting premium on indiscipline, insubordination, rowdiness, hooliganism